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NASA Procedural Requirements

NPR 3530.1A

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2008**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Subject: Pay Policy and Allowances

Responsible Office: Office of Human Capital Management

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Chapter 1. Special Pay and Allowances Provisions

1.1 References

1.1.1 5 U.S.C., Part III, Subpart D, Chapters 53, (Government Organization and Employees) and 55 (Pay and Allowances).

1.1.2 29 U.S.C., 201, et seq. (Fair Labor Standards Act).

1.1.3 5 CFR Parts 530 (Pay Rates and Systems (General)), 531 (Pay Under the General Schedule), 536 (Grade and Pay Retention), 550 (Pay Administration (General)), and 551 (Pay Administration Under the Fair Labor Standards Act).

1.2 Responsibility

1.2.1 Officials-in-Charge of Headquarters Offices and NASA Center Directors are responsible for whether performance of employees under their jurisdiction is or is not of an acceptable level of competence to warrant granting within-grade increases and/or that the performance of the employees warrants the granting of quality step increases [(see NPR 3430, NASA Employee Performance Communication System (EPCS), for specific provisions pertaining to assessing employee performance).] This authority may be redelegated, in writing, in accordance with the following provisions:

1.2.2 Within-Grade Increases (WIG)

1.2.2.1 Determination of an acceptable or unacceptable rating of record - the first-level supervisor.

1.2.2.2 Reconsideration of an unacceptable rating of record - one level above those with authority to make the determination.

1.2.3 Quality Step Increases (QSI)

1.2.3.1 Recommendation - the second-level supervisor.

1.2.3.2 Approval - one level above those with authority to recommend.

1.3 Highest Previous Rate - Maximum Payable Rate

1.3.1 The application of the highest previous rate pertains to the reemployment, transfer, reassignment, demotion, promotion, or change in appointment of an employee having either current or prior Federal service who is serving in or going to a General Schedule (GS) or Federal Wage System (FWS) position.

1.3.2 A former or present Federal employee affected by a covered personnel action may be given the full benefit of the highest previous rate of basic pay to the extent permitted by law and Office of Personnel Management (OPM) regulations. This is generally referred to as the maximum payable rate. In determining the rate at which pay will be set, the following factors should be considered:

- a. Availability of funds. When it is determined that less than the maximum payable rate will be given due to lack of funds, that pay-setting practice should be applied uniformly to all employees.
- b. Tenure of the appointment (e.g., temporary, term, or permanent).
- c. Relevance of the employee's prior experience, on which the highest previous rate is based, to the present position.
- d. Change to lower grade with known promotion potential. Unless the employee is eligible for pay retention under 5 CFR 536.104(a)(6), pay may be set in the lower grade so that upon repromotion pay will be set at the rate the employee would have attained had he/she not been changed to the lower grade.
- e. Change to lower grade for cause. Pay may be set below the employee's maximum payable rate. The actual rate at which pay is set should be determined and documented during the personnel action decision making process.
- f. Expiration of a temporary promotion. When an employee returns to his or her permanent position, pay should normally be set at the rate he/she would have earned in the absence of the temporary promotion. However, if the temporary promotion lasted 1 year or longer, the rate received during the temporary promotion may be used to determine the employee's maximum payable rate and used to set pay in the lower grade.
- g. Internal pay alignment considerations.

1.3.3 Centers may establish pay-setting policies that identify additional criteria to be considered when determining whether an employee should receive the maximum payable rate benefit. In cases where the maximum payable rate is not authorized, the reasons for that decision must be documented in writing and be consistent with Center pay-setting practices.

1.3.4 When the maximum payable rate is authorized and that rate of pay falls between two rates of the new grade, the employee will be paid the higher rate.

1.4 Grade and Pay Retention

1.4.1 Grade retention may be given to an employee not entitled to mandatory grade retention who will or might be reduced in grade as the result of a reorganization or reclassification decision announced in writing by management, when the granting of grade retention is judged to be appropriate and equitable. The move to a lower grade may occur before the employee has received a specific Reduction-In-Force (RIF) notice or a notice that the employee's position is being reduced. The move to a lower grade may be initiated as an informal process by the employee or by management. If the action suggested is not accepted, and formal reclassification or RIF procedures are applied, mandatory grade retention entitlements may exist.

1.4.2 Pay retention may be given to an employee who is not entitled to mandatory grade retention or mandatory pay retention, whose rate of basic pay would otherwise be reduced as a result of a management action, when granting of pay retention is judged to be appropriate and equitable.

1.5 Overtime Work

1.5.1 As a general rule, overtime work will be avoided to the maximum extent practicable.

1.5.2 Regular overtime work, that which is scheduled in advance of the administrative workweek, may be scheduled when required.

1.5.3 Irregular or occasional overtime work may be authorized when an unexpected situation arises requiring overtime work to meet program requirements or to reduce or eliminate temporary excessive workload or backlog.

1.5.4 Overtime work will not be ordered, approved, or performed in increments of less than 15 minutes.

1.5.5 Nonexempt employees will not be permitted to perform overtime work that has not been officially ordered or approved.

1.5.6 Exempt employees who voluntarily perform overtime work solely upon their own initiative, that is not officially ordered or approved, will not be entitled to overtime pay or compensatory time off.

1.5.7 Assigning work that cannot reasonably be accomplished during normal hours of duty because of the amount of work required or the timeframe allotted to do it, is tantamount to ordering overtime work. Therefore, such assignments will be made only when accompanied with an official order to work overtime.

1.6 Overtime Compensation

1.6.1 To the extent permitted by law and regulations, exempt employees whose rates of basic pay (including any applicable special rate of pay or locality-based comparability payment) exceed the maximum step for GS-10 will be required to accept compensatory time off in lieu of pay for irregular or occasional overtime. However, overtime pay

may be paid when it is determined the work situation is such that compensatory time off is not practicable.

1.6.2 To the extent permitted by law and regulations, compensatory time off in lieu of overtime pay will be granted when requested by an exempt or nonexempt employee. Except for grants of compensatory time directed under paragraph 1.6.1 above, employees must specifically request that compensatory time off be granted in lieu of overtime pay. Centers may determine the process for reviewing and approving such requests. Requests may be denied, and overtime pay paid when it is determined the work situation is such that granting compensatory time off is not practicable.

1.6.3 Compensatory time off must be used no later than the end of the fourteenth full pay period following the pay period in which it is earned. An extension may be authorized under special circumstances. Centers may determine the guidelines on which extensions may be authorized. Exempt GS employees who fail to take authorized compensatory time off before the time limit or authorized extension expires will lose their right, both to compensatory time off and to overtime pay.

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